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The obligation to extradite or prosecute (*aut dedere aut judicare*)

Comments and information received from Governments

Addendum 3

II. Comments and information received from Governments

A. International treaties by which a State is bound, containing the obligation to extradite or prosecute (*aut dedere aut judicare*), and reservations made by that State to limit the application of this obligation

Kuwait

1. The obligation to extradite or prosecute (*aut dedere aut judicare*) is governed by the agreements on legal and judicial cooperation which the Government of the State of Kuwait has concluded with other States, in accordance with the objectives of the extradition regime, namely State cooperation in combating crime and achieving justice.

2. Those international agreements, upon becoming fully binding, be it through ratification, accession or approval, come into effect as enforceable law under the legal system of the State of Kuwait. Such agreements include: the Agreement on Mutual Extradition between the Government of the State of Kuwait and the Government of the Republic of Lebanon, 20 July 1963;[1] the Agreement on Legal and Judicial Cooperation in Civil, Commercial and Criminal Matters and Matters of Personal Status between the State of Kuwait and the Arab Republic of Egypt, 6 April 1977;[2] the Agreement on Legal and Judicial Cooperation in Civil and Criminal Matters and Matters of Personal Status between the State of Kuwait and

[1] Approved pursuant to Act No. 6 of 1962.
[2] Ratified pursuant to Decree-Law No. 96 of 1977.

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the Republic of Tunisia, 13 June 1977;[3] the Agreement on Legal and Judicial Cooperation in Civil, Commercial and Criminal Matters between the State of Kuwait and the Republic of Bulgaria, 26 December 1988;[4] the Agreement on Legal and Judicial Cooperation in Civil, Commercial and Criminal Matters between the State of Kuwait and the Republic of Turkey, 24 March 1997;[5] and the Agreement on Legal and Judicial Cooperation in Civil and Commercial Matters, Matters of Personal Status, the Transfer of Convicted Persons and the Settlement of Estates between the State of Kuwait and the Syrian Arab Republic, 28 June 1999.[6]

B. Domestic legal regulations adopted and applied by a State, including constitutional provisions and penal codes of criminal procedures, concerning the obligation to extradite or prosecute

Kuwait

3. The international agreements mentioned in paragraph 2 by which the Government of the State of Kuwait has become bound, constitute applicable legislation on the basis of which rulings are to be handed down by the courts and the provisions of which are to be applied in all matters relating to extradition. They cover cases in which extradition is compulsory, those in which it is not permissible, the conditions that must be fulfilled for an offence to be extraditable, the authorities to be addressed under such agreements, including for the transmittal of extradition requests, the manner of submission of such requests, extradition priority in the event of multiple requests for extradition for the same offence, the trial and prosecution of the person whose extradition is requested, the rights of well-intended third parties, the travel of persons whose extradition has been decided from other countries through the territory of the States parties, the costs of extradition and other questions relating to extradition.

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[3] Ratified pursuant to Decree-Law No. 123 of 1977.

[4] Ratified pursuant to Decree-Law No. 19 of 1989.

[5] Ratified pursuant to Decree-Law No. 46 of 1998.

[6] Ratified pursuant to Decree-Law No. 3 of 2004.